

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
CASE NO. 1:02cv00594-WOB

SCOTT BRYANT, ET AL

PLAINTIFFS

v.

ORDER

FORD MOTOR COMPANY

DEFENDANT

This matter is before the court on plaintiffs' motion to continue trial date (Doc. #58).

The court held a status conference on this matter on Wednesday, March 8, 2006. Jeffrey Bakst represented the plaintiffs, and Gary M. Glass represented the defendant. Official court reporter Joan Averdick recorded the proceedings.

Trial in this matter is currently scheduled to begin on March 27, 2006. Plaintiffs' motion to continue that date is based on the fact that certain material documents have only recently been produced to their counsel and, in fact, documents previously produced by defendants do not even apply to the vehicle in question in this action.

Extensive discovery and trial preparation, including expert witness reports, have thus been undertaken on the basis of evidence that defendant now concedes is not even relevant. Indeed, prior rulings by the court also were based on testimony which, in turn, was premised on the erroneously-produced documents.

Defendant's actions have thus caused a significant and needless waste of time and expense for the parties as well as for

the court.

Given these events, the trial must be continued to allow plaintiffs time to review these newly-produced documents and to evaluate what discovery and other matters may need to be revisited in light of them. The court notes that this case was filed nearly four years ago, and that the delay now occasioned by defendant's actions has the additional ill effect of prolonging litigation that is already overdue for resolution.

Therefore, having reviewed this matter, and the court being sufficiently advised,

IT IS ORDERED that:

(1) Plaintiffs' motion to continue trial date (Doc. #58) be, and is hereby, **GRANTED**. The trial is continued until further order of the court;

(2) Defendant shall produce to plaintiffs' counsel **by March 15, 2006 at 5:00 p.m.** the correct drawings and other documents discussed at the status conference, as well as a complete response to all pending discovery requests by plaintiffs. By the same time, defendant's counsel shall certify to the court, in writing, that such production has been made. If defendant does not adhere to this deadline, plaintiffs' counsel is **ORDERED** to file a motion for default judgment. Defendant is admonished that, in addition to default, the court will consider imposing personal monetary sanctions against employees or agents of defendant related to noncompliance with orders of the court;

(3) Plaintiffs shall file a motion for costs to recover

attorney fees and expenses incurred as a result of the above-described events;

(4) The parties shall file a joint status report **on or before April 14, 2006**, advising the court of how they propose to proceed after considering the newly-produced evidence; and

(5) Defendant's motion for leave to appear pro hac vice (Doc. #45) be, and is hereby, **GRANTED**.

This 9th day of March, 2006.



Signed By:

William O. Bertelsman *WOB*

United States District Judge